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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 January 1994, at 10.30 a.m.

Temporary Chairman: Mr. ENNACEUR (Tunisia)

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 11.05 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the fiftieth session of the Commission on Human Rights.

Tribute to the memory of Mr. Julian Palacios, head of the delegation of Spain to the Commission on Human Rights

2. Mr. GARRETÓN (Chile), speaking on behalf of the Latin American Group, paid tribute to the memory of Mr. Julian Palacios, who had recently died.

3. On the proposal of the Temporary Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Julian Palacios, head of the delegation of Spain to the Commission on Human Rights.

4. The TEMPORARY CHAIRMAN said that, while the fiftieth session of the Commission was an anniversary that deserved celebration, it should also serve as an occasion for starting a substantive debate as to whether the Commission's activities and working methods were in tune with a changing reality. A critical examination was all the more appropriate in that the year 1993 had given cause for both concern and optimism.

5. Despite the many urgent resolutions adopted by the Commission, the World Conference on Human Rights, the General Assembly and the Security Council, no progress had been made towards putting an end to the tragedy of the Bosnian people. International public opinion was nauseated by so much passivity, procrastination and impotence. If States with the capacity and duty to intervene did not do so rapidly and effectively and if the international community continued merely adopting resolutions that remained dead letters, those States would bear a heavy responsibility for the tragic situation of the Bosnian people, and the credibility of the United Nations would be dangerously weakened.

6. The situation in Africa also gave cause for deep concern; several African countries continued to be undermined by armed conflicts that seriously affected the living conditions, security and basic rights of the civilian population. He wondered what the Commission had done to stop so much suffering.

7. Elsewhere, a resurgence of new forms of violence, discrimination and extremism had been noted in a number of countries; the United Nations 1993 Report on the World Social Situation had found a deterioration in the standard of living of large segments of the world population and, according to the reports of the United Nations High Commissioner for Refugees, the number of refugees and displaced persons around the world was growing incessantly. In industrialized countries and developing countries alike, unemployment had taken on alarming proportions and, even in the wealthy countries, serious thought was being given to reducing social protection. According to Freedom House, the number of persons living in free societies had declined in 1993, whereas the number of persons refused basic liberties had grown. Those reports showed that, notwithstanding the progress made, the Commission must redouble its efforts to promote and ensure respect for human rights in their totality throughout the world.

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Introduction

1. At its forty-ninth session, the Commission on Human Rights adopted without a vote resolution 1993/5, dated 19 February 1993, in which, inter alia, it reaffirmed that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States. The Commission urged all States to prevent mercenaries from using any part of their territory to destabilize any sovereign State; it called upon all States that had not yet done so to consider taking early action to accede to or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; and requested the Special Rapporteur to report to the Commission at its fiftieth session on all further developments concerning the use of mercenaries, wherever this may occur.

2. At the same session, the Commission on Human Rights also adopted without a vote resolution 1993/48, dated 9 March 1993, in which, inter alia, it requested all special rapporteurs and working groups to continue paying particular attention, in their forthcoming reports to the Commission, to the adverse effect on the enjoyment of human rights of the acts of violence committed in many countries by armed groups that spread terror among the population and by drug traffickers.

3. Previously, in decision 1992/225, of 20 July 1992, the Economic and Social Council had approved the Commission's decision to extend the mandate of the Special Rapporteur for three years to enable him to carry out further studies on the use of mercenaries and make the appropriate recommendations to the Commission.

4. In December 1993, the General Assembly adopted a resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. In this resolution, the Assembly, inter alia, condemned the continued recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination (para. 2). The Assembly reaffirmed that the use of mercenaries and their recruitment, financing and training were offences of grave concern to all States and violated the purposes and principles enshrined in the Charter of the United Nations (para. 3).

5. The General Assembly urged all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both legislative and administrative measures, that the territory of those States and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation (para. 5).

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

22. Mr. FALL (Under-Secretary-General for Human Rights) said that the composition of the delegations and the list of eminent personalities participating in the work of the Commission gave a clear indication of the great interest that member States and observer States, international institutions and organizations and non-governmental organizations attached to the Commission.

23. He recalled that 1993 had marked the starting-point of a new era of human rights, as evidenced by the holding of the World Conference on Human Rights and the adoption of the Vienna Declaration and Programme of Action; the convening of the forty-eighth session of the General Assembly, at which the post of United Nations High Commissioner for Human Rights had been created; the establishment of an international tribunal to judge war crimes in the former Yugoslavia; the conclusion of the Washington agreement on interim self-government arrangements in Gaza and Jericho; and the setting up in South Africa of the Transitional Executive Council and the ratification of the intermediary constitution.

24. The key words of that new era, which would serve as guidelines for future action by the international community, were: a global and integrated approach to human rights; coordination and strengthening of the work of the United Nations; universal ratification; the central integration of the fundamental rights of women; the protection of the rights of the child, indigenous populations and vulnerable groups; and the promotion of the culture of human rights through technical assistance, education and the fight against racism and racial discrimination.

25. The World Conference had entrusted the Commission with a major task: to "consider ways and means for the full implementation, without delay, of the recommendations" of the World Conference and to review annually the progress made towards that end. Eight months having passed since the Vienna Declaration, he would attempt to summarize certain aspects of the situation.

26. The Vienna Declaration and Programme of Action called for the promotion and implementation of a global and integrated approach to questions relating to human rights, in a spirit of objectivity and non-selectivity. That approach postulated that equal dignity and equal importance should be attached to all civil, cultural, economic, political and social rights, in conformity with the universality, indivisibility and interdependency of those rights. To make that global approach a reality, the current imbalance in the treatment of economic, social and cultural rights would have to be corrected, in particular on the standard-setting level of the minimum material content of those rights, at the procedural level of their protection and from the point of view of the operational evaluation of the parameters of their domestic and international realization.

27. The work of the Committee on Economic, Social and Cultural Rights, the basic research already undertaken, the mission of the Working Group on the Right to Development and a number of initiatives taken by the Committee on the Rights of the Child indicated that progress had been made and pointed the way to future efforts. But if economic, social and cultural rights were to break

out of the theoretical speculations and generalizations in which they were all too often confined, and if an effective promotion and protection of those rights was to begin, much more courageous initiatives must follow.

28. Within the framework of its plan of action to implement the Vienna Declaration and Programme of Action, the Centre for Human Rights had selected a series of practical measures intended to enhance the importance given to the right to development and to economic, social and cultural rights. Like all the proposed activities of the Centre, that plan had not received from the General Assembly the financial support that had been hoped for; nevertheless, he was convinced that all possible efforts should be made to implement it. To that end, he had decided to establish within the Centre for Human Rights a focal point, composed of a limited number of professional staff members, the essential purpose of which would be to find ways of implementing those practical measures and to provide support to the secretariats of the Working Group on the Right to Development and the Committee on Economic, Social and Cultural Rights. The focal point would also coordinate the Centre's policy on economic, social and cultural rights.

29. The overall objective was to work towards a comprehensive and integrated approach to human rights, as called for by the World Conference on Human Rights, and that could be achieved only through enhanced cooperation among all the parties involved. The human rights treaty bodies and their chairpersons could contribute by coordinating more closely their monitoring and assistance activities. The growing number of special rapporteurs and representatives, independent experts and working groups would also benefit from increased harmonization and rationalization of their work.

30. To that end, periodic meetings, the first to be held at the end of May 1994, would be organized for the purpose of discussing issues of common interest, setting up an overall schedule of activities and improving coordination between the various missions and the reports to be submitted to the General Assembly and the Commission.

31. A comprehensive approach implied further that the various competent bodies and institutions within the United Nations system must ensure, regularly and through joint efforts, the harmonization of their human rights policies. In that connection, he welcomed the decision by the Secretary-General, in application of the Vienna Declaration and Programme of Action, to place on the agenda of the next meeting of the Administrative Committee on Coordination (ACC) the question of the strengthening of inter-agency cooperation in the field of human rights.

32. He was certain that, for its part, the Commission would not fail to take practical steps towards attaining a comprehensive and integrated approach to human rights.

33. The ratification of human rights instruments and the effective implementation of their provisions were fundamental in a world that aspired to the rule of law and the safeguard of fundamental freedoms. All those concerned must thus work together to achieve the rapid and universal ratification of the six basic human rights instruments. In cooperation with other organs and agencies, the Centre for Human Rights had begun to study ways

to achieve that objective and would be submitting financial estimates and a schedule of implementation to the Secretary-General for his approval. He was confident that the Commission, at its current and future sessions, would do its utmost to contribute to that effort.

34. In that connection, he wondered whether it was too much to ask that States members of the Commission, or those wishing to become, should demonstrate their commitment to human rights by taking the necessary steps to ratify the basic human rights instruments. Perhaps the Commission might, in the future, encourage every State participating in its work to devote part of its statement to a report on its progress towards ratification. The unsatisfactory number of ratifications of international instruments in general, and of human rights instruments in particular, was often due as much to a lack of political will on the part of Governments as to the obstacles posed by a slow-moving bureaucracy and the lack of administrative follow-up.

35. One of the priorities defined by the World Conference on Human Rights was the full realization of the fundamental rights of women, which should be an integral aspect of United Nations human rights activities. Particular concern about violence against women had been expressed repeatedly in the preparatory process for the World Conference and at the Conference itself. In its resolution 1993/46, the Commission had requested all its special rapporteurs and working groups to include in their reports available information on human rights violations affecting women. It had also decided in principle to appoint in 1994 a special rapporteur on violence against women. Moreover, the General Assembly had adopted, by its resolution 48/104, the Declaration on the Elimination of Violence against Women. The Commission thus had an appropriate legal framework in which to pursue its consideration of the issue, including the appointment of a special rapporteur who, it was widely felt, should be a woman.

36. The elimination of all forms of discrimination against women was necessary in order to achieve real equality between men and women at all levels. Emphasis should be placed on informing and educating women on the use of the mechanisms available for monitoring existing rights and enlarging their scope. Special attention should be paid to the economic promotion of women.

37. All activities designed to improve the status of women required enhanced coordination between the competent bodies of the United Nations system, the geographic dispersal of which made the task all the more difficult. However, working meetings had been held with the various bodies concerned for the purpose of a concerted implementation of the provisions of the Vienna Programme of Action that related to women's rights. In addition, a focal point had been created in the Centre for Human Rights to ensure the coordination of activities relating to women's fundamental rights. The Centre would also be playing an active role in the preparations for the World Conference on Women, to be held in Beijing, and hoped to ensure that the objectives of the Vienna Declaration in that regard would be included in the Conference agenda.

38. The World Conference on Human Rights had emphasized the importance of promoting and protecting the rights of the child and had defined three precise objectives in that regard: universal ratification of the Convention on the Rights of the Child by 1995; effective implementation of the Plan of Action adopted at the World Summit for Children; and enhancement of effectiveness of the Committee on the Rights of the Child.

39. Safeguards had to be provided for children who were victims of armed conflict or drug traffic and for abandoned children. At its last session, the General Assembly had asked the Secretary-General to appoint an expert to study the question of protecting children in armed conflicts, in collaboration with the Centre for Human Rights and the United Nations Children's Fund (UNICEF). An interim report would be submitted to the General Assembly and the Commission had been invited to consider it at its fifty-first session.

40. The General Assembly had also requested that the Commission's and Sub-Commission's special rapporteurs and representatives and working groups should pay particular attention to the plight of street children. It had endorsed the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and had requested the Commission to consider establishing a working group to study, in cooperation with the Special Rapporteur, the elaboration of guidelines for a possible draft convention on the topic.

41. To strengthen coordination between the various organizations involved in protecting the rights of the child, a focal point was being set up in the Centre for Human Rights. A joint working plan on the rights of the child (Centre for Human Rights/UNICEF) had just been approved and the Director-General of UNICEF would address the Commission at its current session.

42. The previous year - the International Year of the World's Indigenous People - and the beginning of the current one had demonstrated the extreme social and political marginalization of indigenous people in numerous countries, the grave and massive violations of their human rights and the systematic, violent and sometimes bloody repression to which they were subjected, all in an atmosphere of general indifference. The International Decade of the World's Indigenous People, which was to begin on 10 December 1994, was thus of particular importance in that it would provide the framework for action to ensure the economic, social and cultural well-being of those people.

43. The General Assembly had requested the Secretary-General to establish a voluntary fund for the Decade and had asked the Commission to give priority consideration to setting up a permanent forum for indigenous people in the United Nations system. In addition, the Commission should consider the renewal and updating of the mandate of the Working Group on Indigenous Populations. With those efforts, and the necessary political will, the Decade would be able to achieve its goals.

In addition to offices located at 215 W. 17th Avenue in Miami, this terrorist gang has a training camp in Fakahatche Park, in Collier County, 120 miles west of Miami, and a camp at 40th Street and 137th Avenue, also in Miami.

Two members of this group, Gustavo Rodríguez Souza and Tomás Ramos, were arrested in October 1990 while attempting to enter Cuba illegally at a point on the north coast of Havana province; an inflatable dinghy and numerous weapons with which they intended to carry out acts of sabotage and assassination attempts against President Fidel Castro and the Minister of the Revolutionary Armed Forces, General Raúl Castro, were also seized.

In October 1992 in Cay Anguila, the Bahamas authorities detained the vessel Nautilus and arrested Rubén Darío López, Iván León Rojas and Jesús Morales García for unlawful possession of weapons and explosives and facilitating a military operation against a foreign State. In the same month, the saboteurs Gustavo David Triana Aguado, Miguel Angel Alfonso González and Eduardo González Torres were arrested while attempting to enter Cuban territory; they had sailed out of one of the access channels to the Miami River on board the Nautilus, which they had left to enter Cuban territory when it reached Cabo Francés.

In early February 1993, the United States authorities arrested, to the south of Miami, the following members of this terrorist gang - Oscar Francisco Pérez, Enrique J. Rabade, Pastor Guzmán Cruz, Santiago Burgos and Iván León Rojas - on board a vessel loaded with heavy machine-guns, rifles, grenade-launchers and 10,000 rounds of ammunition which, according to a statement made by one of the terrorists to a United States Federal agent, were to be handed over to alleged members of the group established in Cuba.

On 5 February 1993, the leader of the group, Sergio González Rosquete, stated at a press conference that this terrorist gang was "one of the most active paramilitary groups on United States territory" and claimed to have links with terrorists inside Cuba.

At a press conference, on 18 March 1993, one of the members of the group threatened to carry out further terrorist actions against Cuba.

Another terrorist group which has carried out numerous subversive activities against Cuba is the so-called "Comandos L" group. Its leader was the notorious terrorist Antonio Cuesta, now deceased; his associates were José Dauzá, Ramón Font, Laureano Borges, Rolando Nieves and Anthony Bryant, a United States citizen who was sentenced by Cuban courts to 12 years' imprisonment for hijacking a United States commercial airliner in 1969.

This gang has attacked defenceless fishermen's villages, merchant vessels anchored in the ports of Matanzas and Havana, and tourist facilities. It has also attempted to assassinate the President of the Council of State and Ministers of the Republic of Cuba, Fidel Castro,

and other high government officials, to which end, in December 1991, it infiltrated into Cuban territory three units equipped and armed to carry out this plan.

On 8 February 1992, members of this group attempted to attack a number of merchant vessels moored in the port of Havana; when intercepted by Cuban surface units, they fled after firing at them with heavy weapons and rifles. Two days later, a member of this group publicly stated that they had carried out attacks with medium-range missiles against Cuban vessels along our coasts.

On 4 July 1992, the terrorists Anthony Bryant, Eugenio Llamera, Alejando Basilio Pérez and Guillermo Casasus fired at a sailing ship in Cuban territorial waters. Some days later, it was reported in Florida that United States Coast Guard officials had confiscated from these individuals a number of rifles and a videotape made during this terrorist act, after they had been rescued by the Coast Guard cutter Maui at a point seven miles north of Matanzas, in violation of our territorial waters.

On 6 July 1992, the leader of the group revealed that it had carried out six other attacks against Cuba and boasted that no pressure had been brought to bear on him by the Government of the United States or the FBI to put an end to his activities against Cuba.

On 1 October 1992 a group led by Anthony Bryant fired a number of shots at the Meliá Varadero Hotel. Responsibility for the action was claimed by the head of the so-called "Comandos L", who shamelessly described it as a successful operation against a "military target" on the Cuban coast.

On 7 January 1993, one day after having been acquitted by Federal Circuit Judge James Lawrence King on charges of possession of weapons, Anthony Bryant publicly admitted his involvement in the attack on the Meliá Varadero and threatened to carry out further attacks against Cuban facilities, including hotels and tourist centres. During the same month, Bryant toured New Jersey to raise funds in order to pursue his activities and threatened to carry out reprisals against any tourists who visited Cuba.

Other activities of this group have been carried out by Rolando Nieves Machado, alias "Patilla", who lives at 2881 NW 5th Street, Miami, Florida, 33125; in order to carry out his criminal plans, he has had at his disposal powerful explosives, various types of weapon and a high-speed launch, moored in Key Marathon and used to attack Cuban vessels and vessels of other nationalities, in both national and international waters. The plans also involved Nelsy Ignacio Castro Matos, Reynaldo Aquit Manrique, alias "Chino", and Miriam Ortega.

On 14 December 1990, Tomás Ramos Rodríguez and Gustavo Rodríguez Sosa were arrested on Cuban territory. They had been trained by Rolando Nieves Machado and counselled by the former CIA officer Frank Sturgis in order to carry out acts of terrorism in Cuba.

58. It was the Commission's task to address and help to eradicate the numerous violations of human rights in many parts of the world. It should never forget the victims of human rights violations, who looked to it to relieve their ghastly plight. The spirit of open dialogue and compromise should continue in the common effort to eradicate human rights violations.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1994/1/Rev.1 and Add.1, E/CN.4/1994/89 and 90)

59. The CHAIRMAN requested those members of the Commission who had comments to make on the provisional agenda or suggestions concerning it to submit them in writing to the Secretary, so that the officers of the Commission could consider them before the provisional agenda was submitted for adoption.

The meeting rose at 1.05 p.m.